

FAX TRANSMISSION**FAX RECEIVED****JUL 21 2003****DATE:** July 21, 2003**PETITIONS OFFICE****PTO IDENTIFIER:** Application Number 09/938,328
Patent Number**Inventor:** Chris SCOTTO**MESSAGE TO:** OFFICE OF PETITIONS**FAX NUMBER:** (703) 308-6916**FROM:** MORRISON & FOERSTER LLP

Robert E. Scheid

PHONE: (415) 268-6369**Attorney Dkt. #:** 426882000600**PAGES (Including Cover Sheet):** 11**CONTENTS:**

Papers attached:

1. Transmittal - 1 pg.
2. Fee Transmittal w/duplication copy for fee processing - 2 pgs.
3. Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) - 2 pgs.
4. Part 2 - Copy of Notice of Abandonment - Decision on Petition- 1 pg.
5. Request for Reconsideration of Petition Under 37 CFR §1.47(a)-2 pgs.
6. Executed Declaration - 2 pgs.

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MORRISON & FOERSTER LLP

425 Market Street, San Francisco, California 94105
Telephone: (415) 268-7000 Facsimile: (415) 268-7522

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Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/938,328
		Filing Date	August 23, 2001
		First Named Inventor	Chris SCOTTO
		Group Art Unit	3622
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	10	Attorney Docket Number	426882000600

ENCLOSURES (check all that apply)

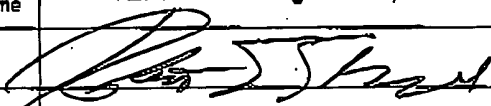
<input checked="" type="checkbox"/> Fee Transmittal Form – in dupl. <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition for Revival of an Appn. For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) – 2 pgs. <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) -Part 2 – Copy of Notice of Abandonment dated 3/17/03-1pg. -Request for Reconsideration of Petition Under 37 CFR §1.47(a) – 2 pgs. -Executed Declaration – 2 pgs.
Remarks		

FAX RECEIVED

JUL 21 2003

PETITIONS OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	MORRISON & FOERSTER LLP Robert E. Scheid – Reg. No. 42,126
Signature	
Date	July 21, 2003

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below.

Dated: 7/21/03 Signature:  Loreta S. Garcia

PTO/SB/17 (01-03)

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FEE TRANSMITTAL for FY 2003		Complete if Known	
<small>Patent fees are subject to annual revision.</small>		Application Number	09/938,328
		Filing Date	August 23, 2001
		First Named Inventor	Chris SCOTTO
		Examiner Name	Not Yet Assigned
		Group Art Unit	3622
		Attorney Docket No.	426882000600
<input type="checkbox"/> Applicant claims small entity status. Sec 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 1,300.00			

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																		
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP The Commissioner is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	3. ADDITIONAL FEES <div style="text-align: right; font-weight: bold; font-size: 1.2em;">FAX RECEIVED</div> <div style="text-align: right; font-weight: bold; font-size: 1.2em;">JUL 21 2003</div> <div style="text-align: right; font-weight: bold; font-size: 1.2em;">PETITIONS OFFICE</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Robert E. Scheid	Registration No. (Attorney/Agent)	42,126
Signature		Telephone	(415) 268-6369
		Date	July 21, 2003

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below. Dated: <u>7/21/03</u> Signature: <u>Loreta S. Garcia</u> (Loreta Garcia)	
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PTO/SB/84 (10-01)

Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
426882000600First named inventor: **Chris SCOTTO**Application No: **09/938,328**Art Unit: **3622**Filed: **August 23, 2001**Examiner: **Not Yet Assigned**Title: **METHOD FOR GUIDING A BUSINESS AFTER AN INITIAL FUNDING STATE TO AN INITIAL
PUBLIC OFFERING READINESS STATE**Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**FAX RECEIVED**
JUL 21 2003NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.**PETITIONS OFFICE**The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action
by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of
the period set for reply in the Office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed
before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,300.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form
of Request for Reconsideration and a Fee Transmittal (Identify the type of reply):☐ has been filed previously on _____☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____☐ is enclosed herewith.

07/29/2003 AKELLEY 00000003 031952 09938328

01 FC:1453

300.00 DA

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6916, on the date shown below.Dated: 7/21/03Signature: Loretta S. Garcia

(Loretta Garcia)

SF-1536252

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee



Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.



A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

July 21, 2003

Date


SignatureTelephone
Number:

(415) 268-6369

Robert E. Scheid - Reg. No. 42,126

Typed or printed name

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
Address

Enclosures:



Fee Payment (a Fee Transmittal in duplicate is attached to his filing).



Request for Reconsideration of Petition Under 37 CFR §1.47(a) and Executed Declaration



Terminal Disclaimer Form



Additional sheets containing statements establishing unintentional delay

Other: Part 2 - Copy of Notice of Abandonment

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/938,328	08/23/2001	Chris Scotto	426882000600

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

CONFIRMATION NO. 9977

ABANDONMENT/TERMINATION
LETTER

OC000000009654886

Date Mailed: 03/17/2003

FAX RECEIVED

JUL 21 2003

PETITIONS OFFICE

NOTICE OF ABANDONMENT

Decision on Petition

The above-identified application is abandoned for failure to timely reply to the Decision on Petition mailed on 07/23/2002.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

#13

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below.

Dated: July 21, 2003

Signature:

Loretta S. Garcia
(Loretta Garcia)Docket No.: 426882000600
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Chris SCOTTO

Application No.: 09/938,328

Group Art Unit: 3622

Filed: August 23, 2001

Examiner: Not Yet Assigned

For: METHOD FOR GUIDING A BUSINESS
AFTER AN INITIAL FUNDING STATE TO
AN INITIAL PUBLIC OFFERING
READINESS STATE

**REQUEST FOR RECONSIDERATION
OF PETITION UNDER 37 CFR §1.47(A)**

Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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PETITIONS OFFICE

Dear Sir:

This Request for Reconsideration of Petition under 37 C.F.R. § 1.47(a) is in response to the Decision Refusing Status Under 37 C.F.R. § 1.47(a), Paper No. 8, mailed on July 23, 2002, by the Office of Petitions.

In the Decision Refusing Status Under 37 C.F.R. § 1.47(a), the Office of Petitions indicated that additional efforts needed to be demonstrated to illustrate diligent effort in obtaining inventor Greg Boyer's ("Boyer") signature on the Declaration for Utility Patent Application. A telephone call was made to the Office of Petitions to inquire as to the measures necessary in obtaining the signature of Boyer. The Office of Petitions suggested that either an electronic search via Internet for Boyer's current address be initiated or additional searches using Lexis Nexis, etc. be performed. Although an electronic search was not conducted during the initial attempts to locate

sf-1536562

Application No.: 09/938,328

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Docket No.: 426882000600

Boyer, necessary steps have now been taken to obtain a current address and/or telephone number for Boyer.

This office conducted an internet search to locate Boyer and have since learned of his current address and telephone number. Contact was eventually made with inventor Boyer, and Boyer has now executed the Declaration for Utility Patent Application (attached).

Based upon this executed Declaration, it is believed that this Request for Reconsideration meets the requirements of the Notice to File Missing Parts of Application dated September 26, 2001. Applicants respectfully request the Decision Refusing Status Under 37 C.F.R. § 1.47(a) be withdrawn.

The Assistant Commissioner is hereby authorized to charge any fees that may be required by this Request for Reconsideration, or to credit any overpayment to Deposit Account No. 03-1952 referencing docket number 426882000600.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Petitioner further petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-952 referencing docket number 426882000600.

Dated: July 21, 2003

Respectfully submitted,

By 
Robert E. Scheid

Registration No.: 42,126
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
(415) 268-6369
Attorneys for Applicant

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PATENT
Docket No. 426882000600

DECLARATION FOR UTILITY PATENT APPLICATION

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PETITIONS OFFICE

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD FOR GUIDING A BUSINESS AFTER AN INITIAL FUNDING STATE TO AN INITIAL PUBLIC OFFERING READINESS STATE, the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 23, 2001 as United States Application Serial No. 09/938,328.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Please direct all communications to:

Kevin R. Spivak
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1888

Please direct all telephone calls to Kevin R. Spivak at (202) 887-6924.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Name: Chris SCOTTO
Residence: 408 Belvedere Lane, Weddington, North Carolina, 28173
Citizenship: U.S.

Date

07/08/03

Name: Greg BOYER
Residence: 4583 Onyx Drive #204, McLean, Virginia, 22102
Citizenship: U.S. 805 Peachtree St., NE, LVS, Atlanta, GA 30308

Date

Name: Robert HOPE
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Date

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Date

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Residence: 6925 Clayton Avenue, Dallas, Texas, 75214
Citizenship: U.S.